

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Mark Eugene Weissmann,)	C/A No. 4:14-3404-TMC-TER
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
Tim Riley; Mary McCabe; George Bobo,)	
)	
Defendants.)	
_____)	

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of September 30, 2014. (ECF No. 5).

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render his case into proper form within twenty-one days, and specifically informed Plaintiff that if he failed to do so, this case would be subject to dismissal. Plaintiff partially complied with the Order by filing a Form AO-240. *See* (ECF No. 7-1). Plaintiff also requested an extension of time to submit the requested financial certificate. (ECF No. 7). The Court granted his requested for an extension of time. (ECF No. 8). However, the Court has not received any further response from Plaintiff, and the extended time for his compliance has passed.

The mail in which the Court Orders were sent to Plaintiff at the address provided when the case was filed have not been returned to the Court, thus it is presumed that Plaintiff received the Orders, but has neglected to fully comply with the Court's directives within the time permitted.

Plaintiff's lack of response to the Order indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a

Plaintiff fails to comply with an order of the court.); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) (dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982) (court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

/s/ Timothy M. Cain
The Honorable Timothy M. Cain
United States District Judge

December 29, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.